



DEPARTMENT OF THE NAVY

NAVAL MEDICAL EDUCATION AND TRAINING COMMAND
8901 WISCONSIN AVENUE
BETHESDA, MARYLAND 20889-5611

NAVMEDEDTRACOMINST 5811.1

00CMC

10 FEB 2003

NAVMEDEDTRACOM INSTRUCTION 5811.1

From: Commander

Subj: CHIEF PETTY OFFICERS' DISCIPLINARY REVIEW BOARD (DRB)

Ref: (a) UCMJ Article 15
(b) JAGMAN Section 0106
(c) JAGMAN Section 0110
(d) JAGMAN Section 0109

Encl: (1) Chief Petty Officers' DRB Guidelines
(2) DRB Recommendation(s) Memorandum Format
(3) NAVPERS 1626/7 (Report and Disposition of Offense(s))
(4) Details of Offense(s) Worksheet Format

1. Purpose. To establish policy and guidelines for a Chief Petty Officers' Disciplinary Review Board (DRB)

2. Cancellation. NSHSBETHINST 5811.1D

3. Background

a. Screening hearings have traditionally been held to assist Commanders and provide necessary facts and information to help in the rendering of appropriate decisions for corrective action.

b. Chief Petty Officers (CPOs) serve in senior leadership positions within a command and are primary role models and mentors to all enlisted personnel. As a result of this role, effective commands utilize their Chief Petty Officers' leadership, expertise, and experience to screen and review enlisted members having disciplinary problems through the use of a DRB. The Disciplinary Review Board serves to uphold good order and discipline within a command through its process of investigation inquiry, review of case findings, and subsequent recommendations of disposition to the Commander.

c. References (a) through (c) provide guidance and procedures to be used by the Commander at Non-Judicial Punishment (NJP).

4. Applicability. This instruction applies to the Naval Medical Education and Training Command (NMETC), Bethesda, Maryland.

5. Policy

a. The DRB is not intended to replace the leadership, administrative, or extra military instruction authority of the chain of command, but is intended to function in a supporting role in the administration of discipline at the command.

b. The DRB is responsible for reviewing all pertinent facts and available information relative to a potential enlisted disciplinary case and subsequently provides disposition recommendations to the Commander.

c. The DRB shall consist of at least three military members selected from among the Chief Petty Officers (E-7 through E-9) assigned to NMETC, Bethesda, MD. The Command Master Chief shall normally convene the board, or designate a senior member in his/her absence.

d. Newly reporting Chief Petty Officers will normally observe at least one DRB prior to being appointed to one.

e. Procedures to be followed by the DRB are contained in enclosure (1). Enclosure (2) is the sample format for submitting DRB findings and recommendations to the Commander.

7. Responsibilities

a. The Command Master Chief (or designated senior member) shall maintain overall responsibility and management of the command's DRB.

b. The command's Chief Master-at-Arms (CMAA) shall:

(1) Ensure that the Report and Disposition of Offense(s) NAVPERS 1626/7 (Encl (3)) and the Details of Offense(s) Worksheet (Encl (4)) are properly completed and forwarded in a timely manner to the Command Master Chief for review, prior to the DRB's convening date. Enclosure (1) provides guidance for composition of this package.

(2) Ensure all identified witnesses, and the individual(s) who placed the member on report are available to attend the DRB session.

c. The DRB shall follow the guidelines provided in enclosure (1).

d. A directorate who has personnel presenting before a DRB, should ensure that the presenting individual's Chief Petty Officer(s) and Leading Petty Officer attend the DRB session.



W. T. NUNNS
Acting

Distribution:
List I & II

CHIEF PETTY OFFICERS' DISCIPLINARY REVIEW BOARD (DRB) GUIDELINES

1. Cases which should routinely be referred to the Commander for action, in lieu of board proceedings, include (but are not limited to):

- a. Assault and/or battery.
- b. Abuse or possession of illegal drugs and/or illicit use of controlled substance(s), excluding alcohol.
- c. Any case where a UCMJ Article 32 (Investigation) has been ordered.
- d. Cases of a highly "sensitive" nature.

NOTE: The Commander may use the DRB in a fact-finding capacity after the initial review of these cases.

2. Upon receipt of the Details of Offense(s) Worksheet (Encl (4)) the (CMAA) shall ensure that:

a. The suspect has been advised and understands the provisions of reference (d) and Article 31 of the Uniform Code Of Military Justice (UCMJ), and has so stated this in writing to the CMAA.

b. A complete package shall be submitted to the Command Master Chief, and will normally consist of the following documents:

- Report and Disposition of Offense(s) (NAVPERS 1626/7)
- Details of Offense(s) Worksheet
- Acknowledgment Statement of Suspect's Rights
- Member's Service Record and Medical Record
- Complete Student Record (if member is a student)
- Voluntary Statements and Statements of Fact provided to the CMAA
- Appropriate evidence, if available, or copies of custody receipts for evidence
- Any other pertinent information or materials

3. The Command Master Chief (or designated senior member) shall:
 - a. Review the DRB package, as presented by the CMAA.
 - b. Gather any additional information deemed necessary prior to convening a DRB.
 - c. Schedule/convene a DRB after selecting at least two additional Chief Petty Officers to comprise the board.
4. The DRB shall:
 - a. Attempt, within the purview of their authority, to resolve all cases presented for screening at the lowest (yet most effective) level possible.
 - b. After considering all the facts and evidence, the DRB shall forward their recommendation(s) to the Commander via the format provided by enclosure (2). Appropriate DRB recommendations are as follows:
 - (1) Dismissal
 - (2) Corrective action to be administered at a lower level (i.e., EMI, Page 13).
 - (3) Non-Judicial Punishment (NJP), when evidence substantiates and circumstances clearly warrant such action.
 - c. Forward DRB recommendations to the Commander, via the Deputy Commander, using the format provided by enclosure (2).

(Date)**MEMORANDUM**

From: Command Master Chief (or designated senior member)
To: Commander
Via: Deputy Commander

Subj: DISCIPLINARY REVIEW BOARD (DRB) RECOMMENDATIONS ICO:
(rank, name, and SSN of suspect)

Ref: (a) NAVMEDEDTRACOMINST 5811.1

1. The following general information is provided, in support of reference (a):

- a. Name of accused: _____
- b. Violation: UCMJ Article ____, (give nomenclature)
- c. Date of DRB: _____
- d. DRB Members: (Senior Member)
(Member)
(Member)

2. The following summarizes the deliberations of the DRB:

- a. Findings of Fact: _____
 - b. Opinions: _____
 - c. Recommendation(s) and Supporting Rationale: _____
- _____
- _____
- _____
- _____
- _____

Submitted by:

(Signature)

Enclosure (2)

(Date)

FIRST ENDORSEMENT ON MEMO DATED _____

From: Deputy Commander

To: Commander

1. Concur ☐ Do not concur ☐

2. Comments:

(Signature)

REPORT AND DISPOSITION OF OFFENSE(S)

To: Commanding Officer, _____ Date of Report: _____

1. I hereby report the following named person for the offense(s) noted:

NAME OF ACCUSED	SERIAL NO.	SOCIAL SECURITY NO.	RATE/GRADE	BR. & CLASS	DIV/DEPT
PLACE OF OFFENSE(S)		DATE OF OFFENSE(S)			

DETAILS OF OFFENSE(S) (Refer by article of UCMJ, if known. If unauthorized absence, give following info: time and date of commencement, whether over leave or liberty, time and date of apprehension or surrender and arrival on board, loss of ID card and/or liberty card, etc.):

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT

(Rate/Grade/Title of person submitting report)

(Signature of person submitting report)

I have been informed of the nature of the accusation(s) against me. I understand I do not have to answer any questions or make any statement regarding the offense(s) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in event of trial by court-martial (Article 31, UCMJ).

Witness: _____ Acknowledged: _____
 (Signature) (Signature of Accused)

PRE-TRIAL RESTRAINT	<input type="checkbox"/> PRE-TRIAL CONFINEMENT	<input type="checkbox"/> RESTRICTED: You are restricted to the limits of _____
	<input type="checkbox"/> NO RESTRICTIONS	In lieu of arrest by _____ order of the CO. Until your status as a restricted person is terminated by the CO, you may not leave the restricted limits except with the express permission of the CO or XO. You have been informed of the times and places which you are required to muster.

(Signature and title person imposing restraint)

(Signature of Accused)

INFORMATION CONCERNING ACCUSED

CURRENT ENL. DATE	EXPIRATION CURRENT ENL. DATE	TOTAL ACTIVE NAVAL SERVICE	TOTAL SERVICE ON BOARD	EDUCATION	GCT	AGE
MARITAL STATUS	NO. DEPENDENTS	CONTRIBUTION TO FAMILY OR OTHER ALLOWANCE (Amount required by law)		PAY PER MONTH (including sea or foreign duty pay, if any).		

RECORD OF PREVIOUS OFFENSE(S) (Date, type, action taken, etc. Nonjudicial punishment incidents are to be included.)

PRELIMINARY INQUIRY REPORT

From: Commanding Officer

Date: _____

To: _____

1. Transmitted herewith for preliminary inquiry and report by you, including, if appropriate in the interest of justice and discipline, the preferring of such charges as appear to you to be sustained by expected evidence.

REMARKS OF DIVISION OFFICER (Performance of duty, etc.)

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT

RECOMMENDATION AS TO DISPOSITION:

☐ REFER TO COURT MARTIAL FOR TRIAL OF ATTACHED CHARGES
(Complete Charge Sheet (DD Form 458) through Page 2)

☐ DISPOSE OF CASE AT MAST

☐ NO PUNITIVE ACTION NECESSARY OR DESIRABLE

☐ OTHER

COMMENT (Include data regarding availability of witnesses, summary of expected evidence, conflicts in evidence, if expected. Attach statements of witnesses, documentary evidence such as service record entries in UA cases, items of real evidence, etc.)

(Signature of Investigation Officer)

ACTION OF EXECUTIVE OFFICER

☐ DISMISSED

☐ REFERRED TO CAPTAIN'S MAST

SIGNATURE OF EXECUTIVE OFFICER

RIGHT TO DEMAND TRIAL BY COURT-MARTIAL
(Not applicable to person attached to or embarked in a vessel)

I understand that nonjudicial punishment may not be imposed on me if, before the imposition of such punishment, I demand in lieu thereof trial by court-martial. I therefore (do) (do not) demand trial by court-martial.

WITNESS

SIGNATURE OF ACCUSED

ACTION OF COMMANDING OFFICER

☐ DISMISSED

☐ DISMISSED WITH WARNING (Not considered NJP)

☐ ADMONITION: ORAL/IN WRITING

☐ REPRIMAND: ORAL/IN WRITING

☐ REST. TO _____ FOR _____ DAYS

☐ REST. TO _____ FOR _____ DAYS WITH SUSP. FROM DUTY

☐ FORFEITURE: TO FORFEIT \$ _____ PAY PER MO. FOR _____ MO(S)

☐ DETENTION: TO HAVE \$ _____ PAY PER
MO. FOR (1, 2, 3,) MO(S) DETAINED FOR _____ MO(S)

☐ CONF. ON _____ 1, 2, OR 3 DAYS

☐ CORRECTIONAL CUSTODY FOR _____ DAYS

☐ REDUCTION TO NEXT INFERIOR PAY GRADE

☐ REDUCTION TO PAY GRADE OF _____

☐ EXTRA DUTIES FOR _____ DAYS

☐ PUNISHMENT SUSPENDED FOR _____

☐ ART. 32 INVESTIGATION

☐ RECOMMENDED FOR TRIAL BY GCM

☐ AWARDED SPCM

☐ AWARDED SCM

DATE OF MAST:

DATE ACCUSED INFORMED OF ABOVE ACTION:

SIGNATURE OF COMMANDING OFFICER

It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 5 days

SIGNATURE OF ACCUSED

DATE

I have explained the above rights of appeal to the accused.

SIGNATURE OF WITNESS

DATE

FINAL ADMINISTRATIVE ACTION

APPEAL SUBMITTED BY ACCUSED

FINAL RESULT OF APPEAL:

DATED: _____

FORWARDED FOR DECISION ON _____

APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WHERE REQUIRED

FILED IN UNIT PUNISHMENT BOOK:

DATE: _____ (Initials)

DATE: _____ (Initials)

**DETAILS OF OFFENSE(S) WORKSHEET
IN CASE OF:**

HOSPITAL CORPSMAN SECOND CLASS JOHN R. DOE, USN, 123-45-6789

CHARGE I: *VIOLATION OF UCMJ ARTICLE 89, (DISRESPECT TOWARD A SUPERIOR COMMISSIONED OFFICER)*

SPECIFICATION:

CHARGE II: *VIOLATION OF UCMJ ARTICLE 91, (INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER, NON COMMISSIONED OFFICER, OR PETTY OFFICER)*

SPECIFICATION:

CHARGE III: *VIOLATION OF UCMJ ARTICLE 91, (INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER, NON COMMISSIONED OFFICER, OR PETTY OFFICER)*

SPECIFICATION:

I have been informed of the nature of the accusation(s) against me. I understand that I do not have to answer any questions or make any statements regarding the offence(s) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in the event of trial by court-martial (Article 31, UCMJ).

SIGNATURE OF ACCUSED: _____

SIGNATURE OF WITNESS: _____

Enclosure (4)